

HOUSE No. 740

By Mr. O'Flaherty of Chelsea, petition of Eugene L. O'Flaherty relative to orders to vacate the marital home during divorce proceedings. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO CIVIL VACATE ORDERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 208 of the General Laws, as appearing in the 2002
2 Official Edition, is hereby amended by inserting the following
3 section:—

4 Section 34E. Civil Order for Use and Occupancy.

5 Notwithstanding the provisions of sections 34C and 34B of
6 this chapter, any court having jurisdiction of actions for divorce,
7 or for nullity of marriage, or of separate support or maintenance,
8 or complaints for custody, may, upon commencement of such
9 action and during the pendency thereof, upon motion after notice,
10 issue such orders relative to use and occupancy of the marital
11 home as the court deems necessary or appropriate if the court
12 finds, after a hearing and such investigation as the court deems
13 necessary or appropriate, that the health or welfare of either party
14 or any minor children residing with the parties would be substan-
15 tially impaired by a failure to enter such an order.

16 The provisions of section thirty-four C shall not apply to this
17 section.